IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 1938 of 2001 (M/B)
(Old No. 2991/97)

Ram Kishore Verma
S/o Late Shri Pooran Prasad Verma,
R/o R.K. Verma & Company,
Railway Road, Jwalapur, Hardwar.

…….. Petitioner

Versus

1. Principal Secretary
Ministry of Housing & Rural Development,
Government of U.P., Civil Secretariat,
Lucknow.

2. The Vice-President, Hardwar Development Authority,
Hardwar.

3. Estate Officer, Hardwar Development Authority,
Hardwar.

……. Respondents

Mr. Arvind Vashishth, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for respondents No. 1.
Mr. S. Dhulia, Senior Counsel with Mr. N.S. Pundir, Advocate for respondent Nos. 2 and 3.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Arvind Vashishth, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondent No. 1.

Mr. Sudhanshu Dhulia, Senior Counsel with Mr. N.S. Pundir, Advocate for respondent Nos. 2 and 3.

They are heard.

2. Petitioner Ram Kishore Verma has filed this writ petition for the following reliefs:

> "i. a writ, order or direction in the nature of certiorari quashing the order of cancellation of allotment dated 22nd November, 1996, contained in Annexure No. 11 to the writ petition.
>
> ii. a writ, order or command in the nature of mandamus commanding the opposite parties to restore the cancellation of allotment, waive the

penal interest and fix the payment of remaining portion of amount in 48 quarterly instalments.

iii. a writ, order or command in the nature of mandamus commanding the opposite parties to dispose of the representation of the petitioner and reserve one house pending till the disposal of the writ petition.

iv. any other writ, which this Hon'ble Court deemed fit or proper."

3. The matter relates to the cancellation of the allotment vide order dated 22.11.1996 (Annexure No. 11) of a M.I.G. flat which was allotted to the petitioner in the year 1994 vide allotment letters Annexure No. 5, dated 30.07.1993 and Annexure No. 7, dated 10.01.1994.

4. During the course of hearing it was brought to our notice that the petitioner's representation dated 27.02.1997 (Annexure No. 12) addressed to the Vice Chairman (wrongly mentioned as Vice President of Hardwar Development Authority) has not been decided by the concerned authority so far.

5. As no counter affidavit has been filed on behalf of respondent No.2, the Vice Chairman (wrongly mentioned as Vice President in the writ petition) of Hardwar Development Authority, Hardwar disputing the filing of the representation and its remaining pending, we deem it proper to direct second respondent, Vice Chairman, Hardwar Development Authority, Hardwar to consider and decide the petitioner's representation by a speaking order, within a period of two months from today. In the event of the rejection of the petitioner's representation, the Authority may also consider the refund of the amount deposited by the petitioner with them, in accordance with the Rules and the Scheme. Petition is disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
02.05.2006 **02.05.2006**

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